

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on March 7, 2006 at 7:00 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Allegiance.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Fire Chief Bruce Grafton, Community Development Coordinator Kyle Gill, Police Chief Larry Metzelaars, Public Works Superintendent Chris Hartbank, and City Clerk Susan O'Brien.

CONSENT AGENDA:

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda consisting of: minutes of the regular meeting February 21, 2006; Fire Department report for the month of February, 2006; payroll and bills for the last half of February.

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|--|-------|---------------------|
| Bills and Payroll for the last half of February | | |
| <u>General Fund</u> | | |
| Payroll | | \$ 225,041.27 |
| Bills | | <u>\$ 77,224.12</u> |
| | Total | \$ 302,265.39 |
| <u>Hotel Tax Fund</u> | | |
| Payroll | | \$ 208.00 |
| Bills | | <u>\$ 3,555.09</u> |
| | Total | \$ 3,763.09 |
| <u>Festival Management</u> | | |
| Bills | | <u>\$ 2,700.54</u> |
| | Total | \$ 2,700.54 |
| <u>Insurance & Tort Judgment</u> | | |
| Bills | | <u>\$ 20.50</u> |
| | Total | \$ 20.50 |
| <u>Water Fund</u> | | |
| Payroll | | \$ 31,462.75 |
| Bills | | <u>\$ 41,824.79</u> |
| | Total | \$ 73,287.54 |
| <u>Sewer Fund</u> | | |
| Payroll | | \$ 26,530.11 |
| Bills | | <u>\$ 14,893.01</u> |
| | Total | \$ 41,423.12 |
| <u>Cemetery Fund</u> | | |
| Payroll | | \$ 2,754.13 |
| Bills | | <u>\$ 571.99</u> |
| | Total | \$ 3,326.12 |
| <u>Motor Fuel Tax Fund</u> | | |
| Bills | | <u>\$ 76,149.06</u> |
| | Total | \$ 76,149.06 |
| <u>Health Insurance</u> | | |

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|-------|-------|----|-----------|
| Bills | | \$ | 54,934.08 |
| | Total | \$ | 54,934.08 |

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion to approve the consent agenda approved by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS:

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Mayor White opened the floor for public discussion. There were no comments from the public or Council.

UNFINISHED BUSINESS

Mayor White seconded by Commissioner Schilling moved to adopt Special Ordinance 2006-1110, rezoning of Stoltzfus Property located North of Northwest corner of the intersection of Old State Road and 9th Street from R-3 (Multiple-Family) to C-4 (General Commercial).

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2006-1110**

AN ORDINANCE REZONING THE NORTH 2.8 ACRES OF THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF OLD STATE RD. AND S. 9TH ST.

WHEREAS, there has been filed a written Petition by WAYNE R. STOLTZFUS and SCOTT W. STOLTZFUS requesting a change in zoning from R-3, Multiple Family Residential District to C-4, General Commercial District for the following described real estate:

The North 190 feet of the following-described property:

Part of the Northeast Quarter (NE1/4) of Section Twenty Five (25), Township Twelve (12) North, Range Seven (7) East of the Third Principal Meridian, Coles County, Illinois, described as follows:

Beginning at the Northeast Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section Twenty Five (25), thence on azimuth 180° 39' 39" along the center line of the public road know as Ninth Street, 330 feet to the place of beginning, thence on azimuth 180° 39' 39" along the center line of the public road known as Ninth Street, 415.56 feet to the center line of the Old State Road, thence on azimuth 252° 14' 41" along the center line of the Old State Road, 695.62 feet, thence azimuth 0° 39' 39", 632.94 feet, thence on azimuth 90° 27' 13", 660.00 feet to the place of beginning, Coles County, Illinois ("The Property");

WHEREAS, a public hearing was held before the Zoning Board of Appeals on February 7, 2006 pursuant to Notice thereof published in the Mattoon Journal Gazette on January 10, 2006.

WHEREAS, a hearing before the Planning Commission of the City of Mattoon was held on the 13th day of February, 2006 and the Petition for the rezoning was recommended and referred back to the Zoning Board of Appeals.

WHEREAS, a further hearing was held before the Zoning Board of Appeals on the 21st day of February, 2006 and said Zoning Board of Appeals did not recommend the rezoning of the property to the City Council.

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve the rezoning on the premises described in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is rezoned from R3 Multiple Family Residential to C-4, General commercial..

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 7th day of March, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin
 Commissioner McKenzie, Commissioner Schilling
 Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 7th day of March, 2006.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 8th, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

NEW BUSINESS

Mayor White seconded by Commissioner Ervin moved to adopt Special Ordinance 2006-1112, approving the proposed employment agreement with City Attorney/Treasurer J. Preston Owen for a term expiring April 30, 2009, the term of the mayor.

CITY OF MATTOON, ILLINOIS SPECIAL ORDINANCE NO. 2006-1112

AN ORDINANCE AUTHORIZING AN EMPLOYMENT AGREEMENT WITH J. PRESTON OWEN FOR THE POSITION OF CITY ATTORNEY/TREASURER

WHEREAS, the City Council deems that it is in the public interest that a City Attorney/Treasurer be employed to manage the Legal and Treasury functions; and

WHEREAS, an agreement has been reached between the Mayor and J. Preston Owen, subject to the approval of the City Council; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. An Employment Agreement with J. Preston Owen, attached hereto and incorporated herein by reference, is hereby approved and ratified. The mayor and city clerk are hereby authorized to execute said agreement and do all other things necessary to give effect thereto.

Section 2. This ordinance shall be effective upon its publication and approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Ervin, adopted this 7th day of March, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 7th day of March, 2006.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon,
Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

Recorded in the Municipality's Records on March 8th, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to adopt Resolution 2006-2639, accepting a \$210,000 grant of HOME single family housing rehabilitation funds and authorizing the mayor and city clerk to sign all documents incidental to implementation of the grant program.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2006-2639

A RESOLUTION ACCEPTING A \$210,000 GRANT OF HOME SINGLE FAMILY HOUSING REHABILITATION FUNDS
AND AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN ALL DOCUMENTS INCIDENTAL TO IMPLEMENTATION
OF THE GRANT PROGRAM

WHEREAS, the City of Mattoon (hereinafter "**SPONSOR**"), applied to the State of Illinois for HOME Single Family Owner Occupied Rehabilitation Program grant funds administered by the Illinois Housing Development Authority ("**IHDA**"), and

WHEREAS, the Sponsor has been awarded a grant ("**Grant**") from the IHDA, program administrator of the HOME Investment Partnership Program ("**HOME Program**") for the State of Illinois, in the amount of Two Hundred Ten Thousand and no/100 dollars (\$210,000) under the IHDA's Single Family Owner Occupied Rehabilitation Program ("**SFOOR**"), and in order to receive such a Grant, the Sponsor must formally accept the terms and conditions of the Grant, including but not limited to the Grant Agreement, and authorize certain of its officials to execute the appropriate documents required in connection with the Grant, and

WHEREAS, it is necessary for the City Council to authorize the Mayor and City Clerk to sign documents as required by the Illinois Housing Development Authority in connection with said HOME funds.

NOW, THEREFORE, BE IT RESOLVED as follows:

RESOLVED that the Grant Agreement and the documents identified in the Grant Agreement, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.

FURTHER RESOLVED, that the Delegation Agreement by and among the Sponsor and Coles County Regional Planning & Development Commission, and the documents identified therein, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.

FURTHER RESOLVED, that either the Mayor or City Clerk is hereby authorized and empowered to execute and deliver in the name of or on behalf of the Sponsor the Grant Agreement and any and all amendments, modifications and supplements thereto, and to execute and deliver such additional documents, instruments and certificates as may be necessary or desirable for the Sponsor to perform its

obligations under the Grant Agreement.

FURTHER RESOLVED that either the Mayor or City Clerk be and is hereby authorized and directed to take such additional actions, to make further determinations, to pay such costs and to execute and deliver such additional instruments (including any amendments, Grant Agreements or supplements) as he or she deems necessary or appropriate to carry into effect the foregoing resolutions.

FURTHER RESOLVED, that the acts of the Sponsor and the Mayor or City Clerk in negotiating the Grant Agreement, including those acts taken prior to the date hereof, be, and the same hereby are, in all respects, ratified, confirmed and approved.

Upon motion by Mayor White seconded by Commissioner Cline adopted this 7th day of March, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 7th day of March, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 8, 2006.

IN WITNESS WHEREOF, this Certificate is executed and delivered as of March 8, 2006.

/s/ Susan J. O'Brien
Printed Name: Susan J. O'Brien

The undersigned Mayor of the Sponsor certifies that the person named above is the duly appointed City Clerk of the Sponsor and that the signature set forth immediately above is her genuine signature.

IN WITNESS WHEREOF, this Certificate is executed and delivered as of 8th day of March, 2006.

/s/ Charles E. White
Printed Name: Charles E. White

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Resolution 2006-2640, regarding sale of property adjacent to Lot 13, Lockhart's Subdivision, at Lake Mattoon.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2006-2640

A RESOLUTION DECLARING THAT 0.142 ACRES OF REAL ESTATE AT LAKE MATTOON IS NO LONGER NECESSARY OR REQUIRED FOR USE OF THE MUNICIPALITY AND AUTHORIZING THE MANAGEMENT STAFF TO NEGOTIATE FOR A CONTRACT PROPOSAL TO SELL THIS REAL ESTATE

WHEREAS, in the 1950's the City of Mattoon purchased large parcels of land in Cumberland County for the purposes of establishing

Lake Mattoon; and

WHEREAS, after the construction of Lake Mattoon some small tracts of the large parcels remained unused and were isolated by the lake and parcels of land owned by other landowners; and

WHEREAS, the tract of land described below is one of those tracts; and

WHEREAS, there has been a survey and appraisal of this tract and those are attached hereto and incorporated herein by this reference; and

WHEREAS, the adjacent landowner desires to acquire a fee simple interest in said real estate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to procedures prescribed by state statute (65 ILCS 5/11-76-4.1), a finding is hereby made by the City Council that the following described real estate at Lake Paradise is no longer necessary or required for the use of the municipality.

Beginning at the northeast corner of Lot Thirteen (13) of Lockhart's Subdivision, Neoga Township, Cumberland County, Illinois; thence North 88 degrees 20 minutes 00 seconds West (assumed bearing) along the north line of said Lot Thirteen (13) a distance of 140.25 feet; thence North 61 degrees 35 minutes 36 seconds East a distance of 48.07 feet; thence North 13 degrees 37 minutes 22 seconds East a distance of 21.44 feet; thence North 80 degrees 36 minutes 24 seconds East a distance of 109.85 feet to the extension of the east line of said Lot Thirteen (13); thence South 13 degrees 17 minutes 00 seconds West along said east line extended a distance of 67.52 feet to the place of beginning, situated in Neoga Township, Cumberland County Illinois and containing .0142 Acres (6200 ft) more or less.

Section 2. The real estate described in this Resolution is in the unincorporated territory of Coles County, where no zoning has been established. Its fair market value has been determined to be \$3,100 by a written appraisal prepared by a licensed real estate appraiser that is available for public inspection. The property is currently vacant and is impaired by a lack of accessibility.

Section 3. The management staff of the municipality is hereby authorized to negotiate for a contract proposal to sell said real. Any such contract negotiated shall be subject to ratification by the City Council.

Section 4. The city clerk is directed to publish a copy of this resolution at the first opportunity following its adoption and approval by the City Council.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 7th day of March, 2006, by a roll call vote, as follows:

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|-----------------|---|
| AYES (Names): | <u>Commissioner Cline, Commissioner Ervin</u> <u>Commissioner McKenzie, Commissioner Schilling</u> <u>Mayor White</u> |
| NAYS (Names): | <u>None</u> |
| ABSENT (Names): | <u>None</u> |

Approved this 7th day of March, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

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| <u>/s/ Susan J. O'Brien</u> Susan O'Brien, City Clerk | <u>/s/ J. Preston Owen</u> J. Preston Owen, City Attorney |
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Recorded in the Municipality's Records on March 8, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner McKenzie moved to approve Council Decision Request 2006-574, appointing Chris Hartbank as Public Works Superintendent, Steve Camden as Utilities Manager, and Tim Daily as Transportation Manager in the Public Works Department, effective 02/27/2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2006-575, approving the appointment of Jennifer Wilcox to a full-time Telecommunicator position at an \$8.53 hourly wage rate effective March 13, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2006-576, approving the appointment of Assistant Fire Chief Robin “Andy” Adair, and approving his employment contract.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Cline moved to approve Council Decision Request 2006-577, approving the promotions of Mike Chism to Captain, Rex Barnes to Driver effective March 8, 2006, and hiring of Mike Ueleke as a probationary firefighter in the Fire Department effective March 9, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2006-578, approving the hiring of Michael C. Nichols as Waste Water Treatment Plant Operator III, effective March 13, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2006-579, approving the bid documents for the City Hall Parking Lot project.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to recess to closed session at 7:07 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the collective negotiating matters of the municipality (5 ILCS 120(2)(c)(2), litigation affecting or on behalf of the City of Mattoon (5 ILCS 120(2)(c)(11)); discussion of proposed PersonalCare modifications for Summary Plan 2006; discussion of the status of the Police and Fire bargaining unit contracts; grievance filed by Mattoon Firefighters for interpretation of workmens’ comp and minimum manning.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Council reconvened from closed session at 8:40 p.m.

Mayor White seconded by Commissioner McKenzie moved to adjourned at 8:41 p.m.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. OBrien
City Clerk